

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.812 OF 2024

Parmeshwar @ Pamu Sukhdeo Waghmare
and another

.....Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Ujwal Agandsurve, Advocate for the Applicants.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.123/2023 registered with Vijapurnaka Police Station on 3.3.2023 under Sections 306 r/w 34 of IPC.

2. Heard Mr. Ujwal Agandsurve, learned counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. Learned APP is seeking time as the investigating officer is not present and she does not have full instructions.

4. Therefore, I have heard learned counsel for the Applicants for consideration of ad-interim relief.

5. The FIR is lodged by one Sonabai. She has stated that she was residing with her son Ravindra and other son Mallikarjun. Ravindra was working as driver, but, Mallikarjun was not doing anything. He was arrested in some case. He was released on bail on 7.2.2023. When he came home, he told the informant that he was planning to commit suicide. He told her that both the Applicants had threatened him and beaten him one year earlier and they had given a false complaint to the police against him. Thereafter he told the informant that the other accused Mhallappa Kutekar and Sharnappa Kutekar had beaten him about 4-5 months ago. According to him, these two Applicants and those two other co-accused had caused harassment to him and therefore, he was planning to commit suicide. On 24.2.2023, he committed suicide by hanging himself. He had left behind a suicide note wherein he had mentioned that because of the harassment caused by

these four persons, he was committing suicide. On this basis, the FIR is lodged.

6. Learned counsel for the Applicants submitted that the other two co-accused were granted anticipatory bail by the Sessions Court. He submitted that in the meantime, the police have already filed the charge-sheet and hence the investigation is completed. The Applicants' custodial interrogation is not necessary and they deserve the same protection as was granted to the co-accused by the Sessions Court. He claimed parity. He further submitted that the suicide note is doubtful and vague, but, in any case the names of other two accused mentioned in the suicide note are also granted anticipatory bail. He submitted that the allegations against the Applicants are in respect of the incident which had taken place one year prior to the registration of the FIR. There is unexplained delay of more than about a week in lodging the FIR.

7. Considering these submissions, the Applicants have made out a case for grant of ad-interim relief till the next date. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection with C.R.No.123/2023 registered with Vijapurnaka Police Station, till the next date, the Applicants be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) This order shall operate till 2.5.2024.
- (iii) The Applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iv) Stand over to 2.5.2024.

(SARANG V. KOTWAL, J.)

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